

REMARKS

Claims 1-32 were pending in this application.

Claims 1-32 have been rejected.

Claims 1, 3, 7, 10-12, 15-17, 19, 21-24, 26, 27, 29, and 32 have been amended as shown above.

Claims 2 and 25 have been cancelled.

Claims 33 and 34 have been added.

Claims 1, 3-24, and 26-34 are now pending in this application.

Reconsideration and full allowance of Claims 1, 3-24, and 26-34 are respectfully requested.

I. REJECTION UNDER 35 U.S.C. § 112

The Office Action rejects Claims 1, 15, 22, and 24 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter regarded as the invention. The amendments to the claims resolve the issues raised in the Office Action. Accordingly, the Applicant respectfully requests withdrawal of the § 112 rejection.

II. REJECTION UNDER 35 U.S.C. § 103

The Office Action rejects Claims 1, 5, 13-15, 20-22, 24, and 30-32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,154,730 to Adams et al. ("*Adams*") in view of U.S. Patent Publication No. 2002/0099725 to Gordon ("*Gordon*"), U.S. Patent Publication No.

2003/0233267 to Hertel-Szabadi ("*Hertel-Szabadi*"), and Christianitytoday.com ("*Christianitytoday*"). The Office Action rejects Claims 6, 7, 10, 17, and 23 under 35 U.S.C. § 103(a) as being unpatentable over *Adams, Gordon, Hertel-Szabadi, Christianitytoday*, and U.S. Patent No. 6,446,053 to Elliot ("*Elliot*"). The Office Action rejects Claims 11, 19, and 29 under 35 U.S.C. § 103(a) as being unpatentable over *Adams, Gordon, Hertel-Szabadi, Christianitytoday, Elliot*, and U.S. Patent No. 6,859,768 to Wakelam ("*Wakelam*"). These rejections are respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. (*MPEP* § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992)). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. (*MPEP* § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984)). Only when a *prima facie* case of obviousness is established does the burden shift to the Applicant to produce evidence of nonobviousness. (*MPEP* § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993)). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the Applicant is entitled to grant of a patent. (*In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985)).

Claims 1, 15, 22, and 24 have been amended to recite determining a “potential revenue” by “estimating future growth in a number of people attending church services at [a] church” and “estimating an amount of donations given to the church during a future time period”. The estimated amount of donations is “based at least in part on the estimated future growth in the number of people attending the church services.”

These amendments are based on recitations previously contained in Claims 12 and 32. The Office Action is silent regarding Claim 12 and appears to reject Claim 32 over the teachings of *Christianitytoday*. However, *Christianitytoday* merely provides estimated “square feet per person” values and parking ratios (page 2), and *Christianitytoday* notes that a committee can be formed to “decide how much money can be raised” for a building project (page 4). *Christianitytoday* provides no indication of “estimating future growth in a number of people attending church services at [a] church.” *Christianitytoday* also provides no indication of “estimating an amount of donations given to the church during a future time period,” where the estimated amount of donations is “based at least in part on the estimated future growth in the number of people attending the church services.”

Adams simply recites a system for projecting “receipts of a public facility,” such as gate receipts or future ticket and vending sales. (*Abstract; Col. 2, Lines 51-56*). None of this applies to church donations.

For these reasons, the Office Action has not established a *prima facie* case of obviousness against Claims 1, 15, 22, and 24 (and their dependent claims). Accordingly, the Applicant

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respectfully requests withdrawal of the § 103 rejections and full allowance of Claims 1, 3-24, and 26-32.

CONCLUSION

If any issues arise or if the Examiner has any suggestions for expediting allowance of this application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *wmunck@munckbutrus.com*.

The Commissioner is hereby authorized to charge any fees connected with this communication (including any extension of time fees) or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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